IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22106 of 2004

Between:

H.P. Obanna S/o late H.P. Bucchi Obanna
Sunkesula Village, Pedda Mudium Mandal,

Kadapa District .

..... PETITIONER

AND

1 The Joint Collector, Kadapa, Kadapa District.
2 The Revenue Divisional Officer, Jammalamadugu,

Kadapa District.
3 The Mandal Revenue Divisional Officer,

Peddamudium Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings in Ref. B/1059/2004, dt 02-10-2004 issued by the 2nd respondent and the consequential proceedings of the 1st respondent in L.Dis.No. 1(3)3222/2004, dated 18-11-2004 as arbitrary, illegal, politically motivated, contrary to the provisions of the A.P. State Public Distribution System Control Order, 2001 and violative of the principles of natural justice apart from being violative of the fundamental rights guaranteed to the petitioner under Articles 14 & 19(1)(g) of the Constitution of India and consequently set a side the proceedings in Ref. B/1059/2004, dated 02-10-2004 issued by the 2nd respondent.

Counsel for the Petitioner: MR.V.R.REDDY KOVVURI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

Through order, dated 02.10.2004, the second respondent suspended the authorization of the petitioner as Dealer of Fair Price Shop of Konda Sunkesula Village of Kadapa District. Aggrieved thereby, he preferred an appeal before the first respondent together with an application for grant of stay. The appeal was rejected by the first respondent through order, dated 18.11.2004. Hence, this writ petition.

Learned counsel for the petitioner submits that the appellate authority neither gave notice of hearing, to the petitioner nor called for the records, and had simply rejected the appeal as well as the stay petition without undertaking any discussion.

Learned Government Pleader for Civil Supplies, on the other hand, submits that the appeal was rejected by the first respondent obviously because she did not find any merits in the same.

The scope for interference with the orders passed by quasi-judicial authorities is very limited. What the High Court examines in exercise of power under Article 226 of the Constitution of India, is the decision making process and not the decision itself. A perusal of the order passed by the first respondent discloses that except stating that the appeal and the stay petition have been rejected, nothing is stated as to whether the record was called for, or whether the contention of the petitioner was considered at all. The first respondent has reduced the exercise of the powers under Clause (20) of A.P.State Public Distribution System Control Order, 2002, to an empty formality. Such a practice cannot be countenanced. It either reflects lack of regard in the provisions of law or exhibition of impatience by the first respondent. This Court takes serious exception to the same.

Hence, the order, dated 18.11.2004, is set aside and the first respondent is directed to hear and dispose of the appeal, after considering the grounds of appeal and the contentions that may be urged by the petitioner, once again. The appeal

shall be disposed of within six weeks from the date of receipt of this order, after issuance of notice of hearing to the petitioner and considering the facts placed before her. Pending such exercise, the order, dated 02.10.2004, passed by the second respondent shall remain suspended. The writ petition is accordingly allowed. There shall be no order as to costs.

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01.12.2004

Note: Issue C.C. in three days.

(B/o)

Jsu

To

1 The Joint Collector, Kadapa, Kadapa District.
2 The Revenue Divisional Officer, Jammalamadugu,

Kadapa District.
3 The Mandal Revenue Divisional Officer,

Peddamudium Mandal, Kadapa District.

4 2 CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T).

5 2 CD copies